The dynamics of a right-wing coalition: how the failure of the peace process encourages domestic populism in Israel

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The Dynamics of a Right-wing Coalition

How the Failure of the Peace Processes Encourages Domestic Populism in Israel

Peter Lintl

Israel has been increasingly criticised for violating substantive democratic principles. The trigger was a series of decisions and initiatives. In July 2016, the Knesset adopted a stricter transparency law for non-governmental organisations (NGOs) financed from abroad, as well as a law empowering it to divest its members of their mandate. For weeks and months, government had made various suggestions for closer oversight of cultural and media institutions (for instance). There has also been repeated disapproval of Supreme Court judgements, which went hand in hand with calls for Parliament to be enabled to overrule its verdicts. These advances have had negative repercussions not just in Israel, but internationally as well.

The parties of the ruling coalition – Kulanu, Yisrael Beitenu, Likud, Shas, Torah Judaism and Jewish Home – are located on the right of the political spectrum, with the partial exception of Kulanu. International and Israeli media are calling the government "the most right-wing government of all time". While this is a comment referring to the parties' basic political orientation, it also points to their political work. Certain laws and draft bills in particular are drawing critical attention from the point of view of substantial democracy and its premises, such as minority rights, freedom of expression and the separation of powers. Israel, it is claimed, is moving closer towards a formal democracy, in which substantive rights can be curtailed by majority decision. Debates on such proposals certainly take up much of the government's time at the moment. However, what is often overlooked is that these legal initiatives tend to come from a part of the government which is seen as populist or radical, and is located on the right fringe of the political spectrum. Moreover, the forays are rarely successful since they fail to obtain a majority even within government. Nonetheless, they are having an influence on the coalition, especially where its agenda-setting is concerned.

This puts especially Prime Minister and Likud chair Benjamin Netanyahu in a tight spot since it forces him to compete for electoral votes with these currents. Because of this constellation, political discourse in Israel as a whole is moving to the right. The strength of the political right wing, however, can also be explained by Israelis' disillusionment with the peace process, and

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the weakness of the opposition parties, in particular the Zionist Union. A party's stance on the Middle East conflict and its possible solutions continues to be a decisive criterion in elections. Thus, widespread scepticism in Israeli society about the prospects of the peace process has handed a political advantage to those right-wing parties that have always rejected it. Since an almost flawlessly right-wing government is at the helms for the first time, its populist components are gaining more traction, and are trying to push political discourse further to the right using legislative forays. This dynamic is reinforced by the fact that Netanyahu depends on votes from the right-wing fringe and is therefore willing to adopt their positions at times. What counts as "left-wing" or "right-wing" in Israel, however, is determined by specific lines of conflict in Israeli society.

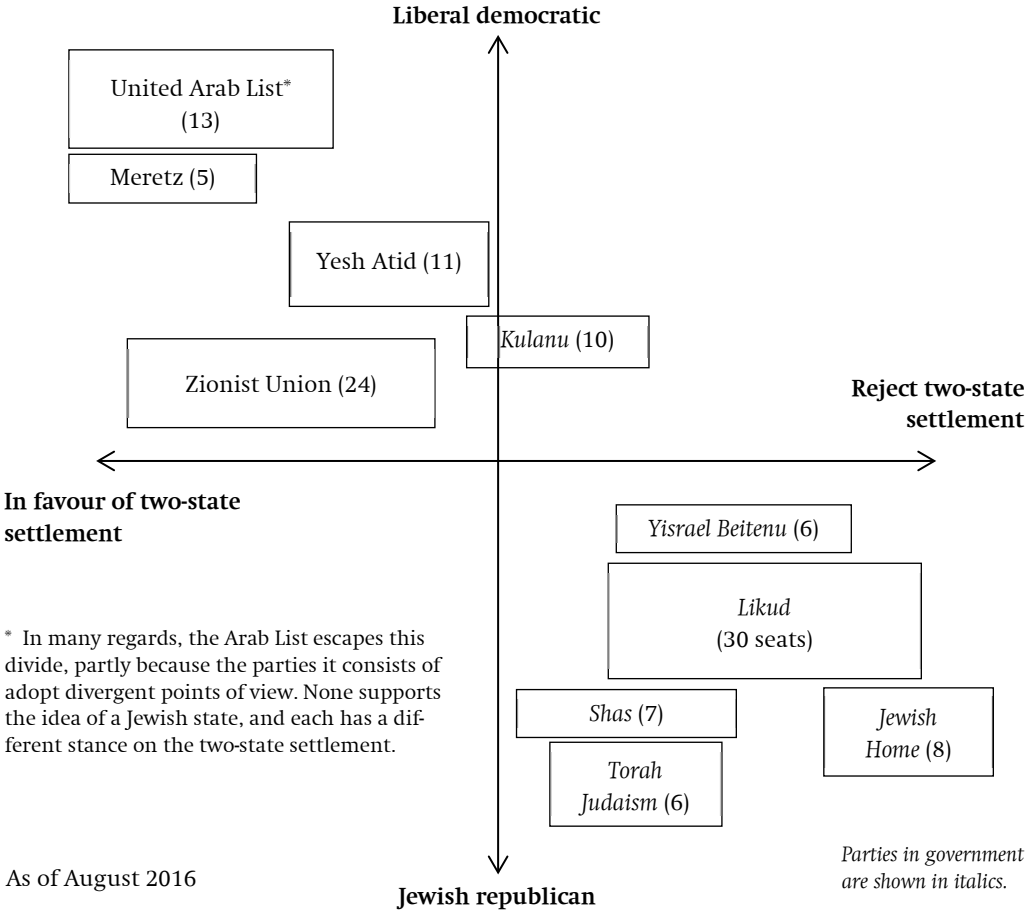
"Right" and "Left" in Israel

Two major topics determine a party's position on the right/left divide. In first place is its stance on whether the Middle East conflict can be peacefully settled through the creation of a Palestinian state or whether such a state would increase Israel's threat levels (or whether to go as far as to annexe the West Bank). The second issue concerns the normative identity of state and society in Israel. What is the correct balance between Jewish and liberal-democratic norms in the state, and what does this mean for the rights of non-Jewish minorities? The further to the "right" a party positions itself, the more emphasis it places on the ethnic and/or religious component of Jewishness in the Israeli state. The further to the "left", the more importance it attributes to universal and pluralistic values. When representatives of the right fringe of the political spectrum highlight the significance of the collective, they are also saying that divergent opinions are virtually unacceptable and that non-Jewish parts of the population do not belong. Arab parties, on the other hand, are outside the left-right divide since they strive for a "state for all citizens" instead of a Jewish state. And yet even for them, that binary pattern forms the political frame of reference.

With the partial exception of Kulanu, all parties in government are from the right of the political landscape (see diagram). Nevertheless, there is a certain bandwidth of positions within the coalition, which ranges from liberal conservative to strictly religious to a populist or radical right. The latter wants to annexe all settlements in the West Bank, something a majority of the Liberal Conservatives is sceptical about. Similar differences exist on constitutional issues. While the right-wing populists of several parties are pressing for substantive liberal-democratic rights to be curtailed in favour of Jewish group rights, the Liberal Conservatives are making more of an effort to balance individual and group rights.

This constellation has become particularly explosive since Netanyahu realised during the last elections of 2015 (which he nearly lost) that his only hope of remaining in office as Prime Minister was to consolidate his position inside the Right and ensure that Likud provides the largest of the Knesset fractions. Given the coalition's narrow majority (67 out of 120 seats), several of its members would be able to topple the government. This forces the Prime Minister on occasion to adopt populist right-wing stances. Over the past few years, he has repeatedly proved his ideological flexibility and shown that he will not shy away from populism when he deems it opportune. The coalition government therefore finds itself in a sort of permanent election campaign for the votes of the right-wing fringe. Politicians feel obliged to prove that they are the true representatives of the Israeli Right. Members of Jewish Home, Likud and Yisrael Beitenu in particular try to outbid each other in political motions, statements and legislative bills. Most of these are incapable of obtaining a majority and are only intended to force their topics onto the agenda so as to shift the political discourse. Only rarely are populist initiatives successful

Heuristic diagram:
Parties' positions within the Israeli parliamentary system



* In many regards, the Arab List escapes this divide, partly because the parties it consists of adopt divergent points of view. None supports the idea of a Jewish state, and each has a different stance on the two-state settlement.

As of August 2016

Parties in government are shown in italics.

enough to be cast into law, for instance as a transparency law for NGOs funded from abroad or a law that regulates the exclusion of parliamentarians from the Knesset.

Right-wing populist forays

One of the best-known attempts is the recurrent demand put forward by justice minister Ayelet Shaked (Jewish Home) that the powers of the Supreme Court, seen as too liberal, be curtailed. In this matter, she has support of several Likud members (including Ze'ev Elkin and Yariv Levin). At the start of the legislative period, Shaked submitted a draft bill that would have empowered the Knesset to overrule Supreme Court verdicts. Moti Yogev (Jewish Home) even called for the court building to be bulldozed. Equally controversial was a proposal by culture and sports minister Miri Regev (Likud) that would make funding of cultural and artistic facilities dependent on their loyalty towards the state. It is no secret that Regev denies that left-wing or Arab artists possess such loyalty. She sent questionnaires to artists asking them whether they would be willing to appear in West Bank settlements. If not, their state funding would be cut. All Jewish Home parliamentarians – but also many of Likud's (including Tzipi Hotovely, Miri Regev, Danny Danon und Yariv Levin) – de facto demand the annexation of the Jewish settlements in the West Bank. Shaked currently spearheads this movement by tenaciously drafting laws in support of its efforts. As recently as May 2016, she proposed to extend Israeli

civil law to the settlements to legally harmonise them with Israel. Education minister Naftali Bennett (Jewish Home) deleted the short story "Borderlife" from the state-school syllabus because it revolves around the romantic relationship between a Jewish Israeli woman and a Palestinian man. Knesset members Bezalel Smotrich and Nissan Slomiansky (both Jewish Home) submitted a law proposal to make Jewish religious law (Halakha) the main reference point for judges in cases where the legal position is unclear. Defence minister Avigdor Lieberman (Yisrael Beiteinu) has also made his name with a series of similar initiatives. His party has submitted a draft law for the reintroduction of the death penalty. Lieberman also summoned the head of programming of Galei Zahal, the army radio, and insisted that poems by the prize-winning Palestinian poet Mahmoud Darwish – which had previously (and remarkably) been broadcast by the network – should be categorised as seditious.

As mentioned above, most of these proposals are incapable of gaining a parliamentary majority from the outset. Shaked's draft law on the Knesset overruling the Supreme Court, for instance, was doomed to failure, if for no other reason than Kulanu's veto on this point, which is guaranteed by the coalition agreement. Regardless of such facts, these initiatives often shape national and international reporting. Clearly the populist right-wing, which makes up about a third of the coalition, is in a position to drive the rest of the government before it. The aim of these forays is not to write new legislation, but to open up social discourse to views that have hitherto been considered unacceptable.

The conflict between education minister Bennett and Prime Minister Netanyahu in late July 2016 was an expression of this development. The two politicians repeatedly insulted each other for being "left-wing", as each tried to present himself as the better representative of the Israeli Right. However, there is also opposition to this populist right-wing discourse. More moderate coalition politicians – including many Kulanu parliamentarians, but also Likud members such as Benny Begin or Gila Gamliel – have been registering their objections, at times strongly. Defence minister Moshe Ya'alon (Likud) and environmental protection minister Avi Gabai (Kulanu) stepped down in May 2016 in protest against growing right-wing populism.

The successes of populist politics

The political dynamic described above not only alters discourses, it also produces tangible political results, as two recently adopted laws demonstrate.

The first is the high-profile "NGO law", which in actual fact is only a change to an existing law. It stipulates that NGOs deriving more than half of their funding from foreign governments or international organisations must state so at all official appearances and in all official correspondence. Whilst a clause requiring representatives of such NGOs to wear a corresponding sticker in Parliament was dropped, the law is nonetheless explosive: 25 of the 27 organisations expected to be affected are considered regime critics. It is true that right-leaning Israeli NGOs also receive large parts of their funding from abroad, especially the US. However, these monies mostly come from private donations, which are not covered by the law. The new legislation thus seems tailor-made for publicly branding organisations that are critical of the government as being controlled from abroad and 'un-Israeli'. It is also having socio-political repercussions. The nationalist NGO Im Tirtzu, for instance, has openly described the organisations concerned as "foreign agents" and drawn a direct connection between their work, the funding from abroad and terrorist attacks. Whilst politicians consistently criticise this and similar statements as being exaggerated, that cannot change the fact that, only a few years ago, a contribution of this sort to the political discourse would have been completely out of the question.

A second example is the revision of the Basic Law 'The Knesset'. It has enabled Parliament to vote to exclude individual members for perpetrating racist hate crimes or supporting the armed fight against Israel. The catalyst was a visit of condolence by three parliamentarians from the United Arab List to the families of Palestinians who had been killed while carrying out a terror attack – a visit no doubt also intended to provoke. In the original draft bill, a simple majority of 61 of the 120 members would have sufficed to justify any exclusion. The version that was finally adopted, however, stipulates that at least 70 Knesset members have to agree just to trigger the process, including at least ten from the opposition. Any exclusion would require the consent of at least 90 parliamentarians, a number unlikely to be reached in Israel's multiparty system.

The law nevertheless remains democratically questionable in both theoretical and practical terms because it merges the tasks of the judiciary and the legislative, and waters down fundamental political rights in favour of majority decision-making. It is another expression of the tendency (typical of populist politics) towards a majoritarian democracy, which attempts to remove legal or constitutional barriers to parliamentary decisions. Having said that, these laws have certainly also shown that populist motions are attenuated by the parliamentary process, especially by resistance by parts of the coalition. Still, these examples do indicate a rightward dynamic in Israeli politics. They were only made possible by the situation in the Israeli parliament, which in turn is directly linked to parties' positions on the peace process: the more closely parties agree on this subject, the more likely they are to form a coalition.

The peace process with the Palestinians and coalition-building in Israel

The last two governments exemplify mechanisms of coalition-building in Israel. In 2013 parliamentary elections became necessary because in 2012 the Supreme Court had criticised a law exempting the ultraorthodox from military service, demanding that it be revised. This left their parties, Shas and United Torah Judaism, no option but to resign from government. The ensuing elections brought in a coalition of parties from different ideological stripes, including centrist parties. Irrespective of personal animosities, it was obvious that sooner or later the two major social faultlines – the peace process and national identity – would play a material role in keeping the peace within the coalition. The government collapsed after only two years, halfway into its term, over at times violent disagreements. It is not surprising, therefore, that, wherever possible, coalitions are created out of parties that are ideologically close to each other.

And yet the situation is more complex than it might at first appear. In the current right-wing coalition, stances on the peace process, for instance, vary greatly. Whilst all parties share a certain scepticism, Jewish Home and parts of Likud categorically reject a two-state settlement. Other Likud members see such as settlement a theoretically possible, but not feasible for the time being. Foreign minister Lieberman formulated his own proposal for a two-state solution, which called for Arabs living in Israel to be resettled. The topic is not a top priority for the ultra-orthodox parties, Shas and United Torah Judaism. However, they tend to be critical of the idea, and especially the division of Jerusalem. In the governing coalition, only Kulanu's chairman, Moshe Kahlon, has recently called for a resumption of peace negotiations.

The picture becomes more complicated still if one takes in the rest of the political landscape. With the exception of a few voices from the Arab List, all parties support a two-state settlement, although there are different estimations of whether and how it might be realised. What is not contested is that steps towards a two-state settlement are overdue. The closer a party is to the political centre (Yesh Atid, parts

of the Zionist Union), the more strongly it campaigns for unilateral action, meaning a withdrawal from some of the areas without negotiation. The further left (other parts of the Zionist Union, Meretz, Arab List), the more it demands negotiations.

The situation is, then, as follows: most Israeli members of parliament fundamentally regard the two-state settlement as the best hope for resolving the Middle East conflict (as compared to a one-state settlement, for instance). At the same time, a majority believes that the process cannot currently be realised with the Palestinians. It does not trust the ability or willingness of the Palestinian Authority (PA) to prevent attacks from within Palestinian territory. This largely concurs with the views of Israeli society: while there is still a (narrow) majority in support of the two-state settlement, only 11 percent believe that it can be brought about in the next ten years.

Both Israel's coalition-building mechanisms and Prime Minister Netanyahu's changeable position on the peace process – which oscillates between a cautious first-time support of the theoretical possibility (2009 keynote address) and a categorical rejection of a Palestinian state (2015 election campaign) – must be viewed against this backdrop. There are a number of reasons for his unsteadiness on this matter. On the one hand, as prime minister, he cannot ignore the majority of the population, which is prepared to consider a two-state settlement, at least in theory. International pressure has surely played a role here as well. On the other hand, a number of factors argue against such a settlement from Netanyahu's point of view. As a representative of the classical school of thought on Israeli security, he proceeds on the premise that Israel is locked in a permanent battle for survival, which requires military strength, above all else. In addition, he is deeply suspicious of the Palestinians and has – at least at the moment – substantial doubts about the possibility of a peace agreement with them. Any peace would have to guarantee Israel's security, but the representatives of Israel's security mentality believe – and probably not entirely without cause – that PA President Abbas is unable to commit the Palestinians bindingly on this issue.

Even if Netanyahu was a keen enthusiast of a two-state settlement – which he is not – his political career would be unlikely to survive a change of policy on this issue. The departure of any party with more than six seats would be enough to deprive the current coalition of its majority. A coalition that includes opposition parties, however, would also be difficult for Netanyahu. Since they would in all probability push for making progress on the peace process, such a constellation would mean the end of either the coalition or Netanyahu's mandate as prime minister. A substantial section of the Likud parliamentary party categorically rejects two states as a solution to the Middle East conflict. Should this possibility be discussed seriously in future peace negotiations, opponents within Likud would presumably splinter off from the rest of the fraction, as happened under Sharon in 2005 when Israel withdrew from Gaza. Should that occur, Netanyahu would no longer have the largest parliamentary party in the Knesset behind him and would be forced to resign as prime minister.

These circumstances express the dilemma of Israeli politics. Whilst a majority of Knesset members argues in favour of a two-state settlement at least in principle, the party-political constellation only produces coalitions that work against it.

Netanyahu's current position is therefore relatively clear: he does not reject the principle of a peace process, but he certainly does not believe that it can be successful either. This is reflected in his attitude to the current drive for a new round of the peace process. He rejects France's initiative of pursuing negotiations on the basis of UN Security Council Resolutions 242 and 338. Instead, he is demanding direct negotiatons with the Palestinians, without any parameters being fixed in advance. However, such an approach would enable each side to put

forward maximum demands, complicate finding compromises, and facilitate breaking off the talks – a scenario that is absolutely in Netanyahu's interests at this time. He skilfully headed off Egyptian President Sisi's call for direct negotiations with a suggestion of his own. He welcomed Sisi's challenge in principle, but tied it to the broader perspective of the so-called Saudi Peace Initiative. Under this, if Israel reaches an agreement with the Palestinians on a two-state settlement, the majority of Arab states will in return recognise the state of Israel. However, Netanyahu reversed the order. In a keynote address, he talked of peace negotiations with the Arab states needing to come first. Only thereafter would he be willing to negotiate with the Palestinians. Netanyahu is thus trying to kill two birds with one stone. First, he is linking Israel's greater regional integration in security matters with the remote chance of its being recognised by the Arab states. Second, he is trying to postpone indefinitely any attempt at solving the conflict with the Palestinians.

Prospects and recommendations

Has Israel moved to the right? In the short-term at least, the answer is yes. The moderate Israeli Right currently has less and less influence on the nation's politics, the populist right-wing more and more. This state of affairs can be seen in the way ministers carry out their duties, in individual laws, and above all in the efforts to define basic social norms according to ethnic or religious criteria. It is accompanied by an attempt to curtail liberal-democratic principles, such as minority rights, and to limit the room for manoeuvre for any opposition within civil society. In general, the Israeli government is visibly distancing itself from a substantive understanding of democracy in its policies and moving closer to a pure majoritarian principle. The growing strength of the populist Right has a number of causes. First, Prime Minister Netanyahu needs to unite as many right-wing voters as possible behind Likud, at the expense of the other right-wing parties. This forces him to compete with the right-wing fringe for electoral votes – a game he is prepared to play. Second, the coalition only has a narrow majority. Most of its parties could topple the government. Actors on the fringes of the political spectrum thus have greater room for manoeuvre because the coalition is difficult to discipline. Third, Israeli society's frustration at the persistent failure of the Middle East peace process is a significant factor. The crucial criterion in Israeli politics continues to be the politicians' stance towards a conflict resolution. The Right benefits greatly from the present hopelessness because it has always been sceptical about the peace process. And the opposition is currently not in a position to submit credible proposals for resolving the conflict. Not that the coalition government would be able to make any kind of final decision in regard to the solution of the conflict: the right fringe lacks the majority for annexing the settlements, and there is currently no other solution in sight. The approach that has long been Netanyahu's therefore remains the order of the day: conflict management. The prime minister appears to have no political vision outside of his security dogma.

This is a leverage point for European policy, which is anxious about the peace process and also wants to further substantive democracy in Israel. A firm endorsement of a Palestinian state remains the only option for settling the Middle East conflict, not least because there are no viable alternatives. The EU could be especially active in the context of Netanyahu's attempted rapprochement with the Arab states, which is intended to exclude the Palestinians. In concert with those states, it needs to make it clear to the Israeli government that it cannot abandon peace talks with the Palestinians.

At the same time, future peace negotiations must also aim to guarantee Israel's security – this continues to be Israelis' main concern. A variety of measures are conceivable, such as UN peacekeeping troops along

a future border, or a demilitarised state of Palestine. For despite Israel's military dominance, there is a need to rebut the widely believed argument that it has been attacked after every withdrawal from territories controlled by Israel since the start of the peace process. Otherwise, a majority for reviving the peace process will never be found. Given these factors and given that Israeli politics is currently blocking itself, mainly through its coalition-building mechanisms, good counsel from outside Israel appears crucial.

This way forward also offers the opportunity of consolidating democratic institutions that have come under pressure. A commitment to liberal democratic values and support for a two-state settlement are clearly not the same thing, but they are linked. In Israel, the notion of a legitimate Palestinian state is above all a liberal idea. With the stagnation of the Middle East peace process, the concept of a liberal democracy is losing ground domestically in favour of national-collectivist views of the state of Israel. A solid new peace process will be difficult to achieve with the Netanyahu government, but it could bring renewed hope if it is set in motion together with the stable Arab states in the region, with Saudi Arabia leading the way.

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